

# Court of Appeals, State of Michigan

## ORDER

People of MI v Andre Joel Pariseau

Docket No. 278627

LC No. 2005-005314-FC

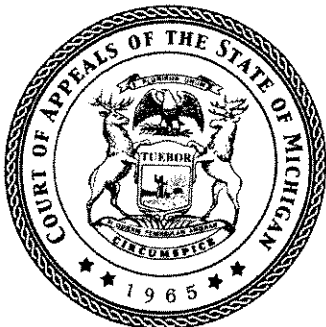
Alton T. Davis  
Presiding Judge

Peter D. O'Connell

Donald S. Owens  
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that the judgment of sentence is VACATED to the extent that it orders defendant to repay attorney fees. When a trial court determines that reimbursement for attorney fees is appropriate, it must establish the terms in a separate order independent of the judgment of sentence. *People v Dunbar*, 264 Mich App 240, 256, n 15; 690 NW2d 476 (2004). This matter is REMANDED to allow the trial court to exercise its discretion to enter an appropriate order. We do not retain jurisdiction.

Davis, J., would DENY the delayed application for leave to appeal. I disagree with my colleagues. I acknowledge *People v Dunbar*, 264 Mich App 240 (2004) and its requirement for a separate reimbursement order. In this case, that requirement is premature. All the trial judge did here was determine that defendant would likely have the capacity to pay attorney fees upon his release from incarceration and determine the gross amount. A schedule for reimbursement payments would most logically be entered once defendant is released and there is a clearer view of his financial circumstances.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 23 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk